IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 387 of 2005

Between:

1. Keta Rama Krishna S/o.Macharayya, 39 years,
   D.No.30-1-1/19,
2. Thota Veera Veni W/o.Naga Babu, 35 years,
   D.No.30-1-1/1.
3. K.V.V.Satyanarayana, S/o.Nageswara Rao,
   27 years, D.No.30-1-1/7,
4. Vadileti Siva Shankar S/o.Satyanarayana, 24 years,
   D.No.27-1-71/14, Beside Jai Jai Narayana's temple.
   (All are R/o.Anisetti vari Savaram, Ramachandrapuram
   Mandal, East Godavari District)

... PETITIONERS

AND

1. The Commissioner of Endowments,
   Govt.of Andhra Pradesh, Tilak Road, Hyderabad.
2. Asst.Commissioner of Endowments,
   Govt.of Andhra Pradesh,
   Rajahmundry, East Godavari District.

3. Sri Agastheswara Swamy Temple,

Mutchimilli, Ramachandrapuram Mandal,

East Godavari District, rep.by its Manager.

4. The District Collector, Kakinada, East Godavari District.

5. The Ramachandrapuram Municipality, Ramachandrapuram,

East Godavari District, rep. by its Commissioner.

6. Environmental Engineer, A.P.Pullution Control Board,

2-532, Shantinagar, Ramanayyapet, Kakinada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the first respondent in proposing to transfer the land of the third respondent in R.S.No.289/1 of Mutchimilli village of Ramachandrapuram Mandal, East Godavari District in favour of the fifth respondent for the purpose of establishing a compost yard without considering the objections filed by the petitioners and other residents dt.21.10.2004 and 5.01.2005 as illegal, arbitrary and violative of principles of natural justice, and consequently direct the respondents not to establish the compost yard in the said site of the third respondent.

Counsel for the Petitioners: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent Nos.1,2 & 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: SMT. N. INDRANI, STANDING COUNSEL

Counsel for the Respondent No.6: MR.S.V.BHUTT.

Counsel for the Respondent No.5: NONE APPEARED

The Court at the admission stage made the following :

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O R D E R:

The petitioners feel aggrieved by the proposals of the respondents to establish a compost yard, over an extent of Ac.3-04 cents of land in R.S.No.289/1 of Mutchimilli village, Ramachandrapuram Mandal, East Godavari District, belonging to Sri Agastheswara Swamy Temple. The petitioners claim to be the residents of the village, and submit that the proposed land is in their immediate neighbourhood. They referred to a notice dated 15.12.2000, issued by the Joint Commissioner (Estates) of the Endowments Department, whereunder objections were invited for establishment of the compost yard by the Municipality, as well as a representation dated 5.01.2005 said to have been made by them.

Heard learned counsel for the petitioners and the learned Government Pleader for Endowments.

The respondents proposed to establish a compost yard in the land belonging to the temple referred to above. The circumstances, under which such a step is taken, are not before this Court. The petitioners claim that establishment of a compost yard in their neighbourhood would adversely affect the condition of their health. Apart from the convenience to the petitioners, the interest of the temple also needs to be taken into account. If the land is yielding substantial or considerable income, by way of auctioning leasehold rights, the matter certainly needs to be given a second look. However, this Court cannot express any final opinion at this stage. The very purpose of issuing notice dated 15.12.2004 is to consider the objections in this regard. The petitioners claim to have stipulated their objections.

Therefore, the writ petition is disposed of, directing that the respondents shall take into account the objections raised by the petitioners, before taking any final decision in pursuance of the notification dated 15.12.2004. There shall be no order as to costs.

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20th January, 2005

Note: Issue copy in three days.

(B/o)

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To

1. The Commissioner of Endowments,

   Govt.of Andhra Pradesh, Tilak Road, Hyderabad.

2. The Asst.Commissioner of Endowments,

   Govt.of Andhra Pradesh,

   Rajahmundry, East Godavari District.

3. The Manager, Sri Agastheswara Swamy Temple,

   Mutchimilli, Ramachandrapuram Mandal,

   East Godavari District.

4. The District Collector, Kakinada, East Godavari District.

5. The Commissioner, The Ramachandrapuram Municipality,
   Ramachandrapuram, East Godavari District.

6. The Environmental Engineer, A.P.Pullution Control Board,

   2-532, Shantinagar, Ramanayyapet, Kakinada.

7. Two C.Cs. to the Government Pleader for Endowments,

High Court buildings, Hyderabad (OUT)

8. Two C.D.copies